

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,302 Confirmation No.: 9726
Applicant : Jeffrey Bedell et al.
Filed : June 19, 2001
Title : System and Method for Syntax Abstraction in Query Language
Generation
TC/Art Unit : 2164
Examiner: : Sana A. Al Hashemi
Docket No. : 53470.003004
Customer No. : **21967**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicant hereby requests a pre-appeal brief conference in the above-referenced case.

The Office Action of May 15, 2008 ("Latest Action") finally rejects claims 1-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,442,557 to Buteau *et al.* ("Buteau"). Applicant respectfully traverses these rejections.

I. The Action is replete with inconsistencies and shifting rejections thus making the finality of the rejection improper

Throughout the various Office Actions, the Office has taken many inconsistent positions and made numerous shifting rejections that make the finality of this rejection premature and improper as the Office has not established that Buteau anticipates claims 1-24 under 35 U.S.C. § 102(e).

First, on page 3 of the Office Action dated November 27, 2007 ("November 27th Action), the Office takes the position that claims 1-9 would be allowed if rewritten to overcome the rejections under 35 U.S.C. 101 and claims 10-19 are allowed. Contrarily, the Latest Action that

makes the rejection final takes the position that claims 1-19 are anticipated by Buteau under 35 U.S.C. 102(e). Thus, the Office in the November 27th Action takes the position that claims 1-9 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 101 and claims 10-19 are allowed, and then modifies this position and states that the claims 1-19 is anticipated by Buteau in the Latest Action.

Second, on page 4 of the Office Action dated June 4, 2007 ("June 4th Action"), the Office takes the position that the "syntax pattern selector module is the database program." See June 4th Action, page 2. Contrarily, the Latest Action that makes the rejection final takes the position that the "the syntax pattern selector" is shown in Figure 9 and corresponding text, i.e., the plurality of statements in the query window." See Latest Action, page 2. Thus, the Office in the June 4th Action takes the position that the claimed syntax pattern selector module is anticipated by the database program of Buteau, and then modifies this position and states that the claimed syntax pattern selector module is anticipated by the query window of Buteau in the Latest Action.

For at least the two reasons set forth above, it is clear that the Office has taken many inconsistent and irreconcilable positions in rejecting the claims. Therefore, the finality of this rejection is premature and improper as the Office has not established that Buteau anticipates claims 1-24 under 35 U.S.C. § 102(e).

II. The Latest Action Improperly Rejects claims 1-24 under 35 U.S.C. 102(e)

First, Applicants respectfully submit that Buteau does not disclose "a syntax pattern selector module for selecting, in an automated process, a syntax pattern corresponding to a desired function provided to the syntax pattern selector module" (emphasis added), as recited in claim 1. On page 2 of the Latest Action, the Office alleges that Buteau discloses these features in "Figure No. 9 and the corresponding text, i.e., the plurality of statements in the query window" and that "the 'select command' is the desired function." The Latest Action appears to

be arguing that the text in the “query window” from FIG. 9 of Buteau selects, in an automated process, a syntax pattern corresponding to a “select command” provided to the “query window.” Applicants respectfully disagree. Applicants respectfully submit that FIG. 9 of Buteau merely depicts a sample query that “asks for all processes relating to customer data.” (See Buteau, col. 22, ll. 33-45.) In contrast, the “plurality of statements in the query window” shown in FIG. 9 of Buteau “are illustrations of a screen showing the results of a query.” (See Buteau, col. 3, ll. 52-53; emphasis added.) The “plurality of statements” depicted in FIG. 9 of Buteau are three SQL commands: (1) a “SELECT DISTINCT” command; (2) a “FROM” command; and (3) a “WHERE” command. As is known by those skilled in the art, the “SELECT DISTINCT” command may be used to select data from a table and remove any duplicate information from the result set, the “FROM” command may be used to indicate from which tables data is to be taken and how the tables join each other, and the “WHERE” command may be used to identify which rows are to be retrieved. Hence, FIG. 9 merely depicts a screen showing the results of a query and various SQL commands.

Contrary to the assertion made in the Latest Action, Buteau does not disclose that the text in the “query window” selects a syntax pattern. Buteau does not disclose the “SELECT DISTINCT,” “FROM,” or “WHERE” SQL commands selecting a syntax pattern. Rather, these commands, as discussed above, are conventional SQL commands used to identify and retrieve data from a database. Additionally, the “query window” in FIG. 9 of Buteau merely displays “results of a query.” (See Buteau, col. 3, ll. 52-53; emphasis added.) Moreover, Buteau discloses that SQL “defines the syntax and interpretation of the queries” (see Buteau, col. 22, ll. 33-39; emphasis added), which indicates that the syntax of queries is defined by SQL, and is not selected by the text of the “query window.” Hence, the text of the “query window” of Buteau is not selecting a syntax pattern, contrary to the assertion made on page 2 of the Latest Action.

Thus, Buteau does not disclose “a syntax pattern selector for selecting . . . a syntax pattern,” as recited in claim 1.

Additionally, Applicants respectfully submit that Buteau does not disclose “a syntax pattern corresponding to a desired function provided to the syntax pattern selector module.” Specifically, Buteau does not disclose that the text of the “query window” *selects* a syntax pattern corresponding to the “SELECT” command provided to the text of the “query window.” Rather, the “SELECT DISTINCT” command in FIG. 9 of Buteau is SQL programming code for retrieving data from a database. The cited figures and column of Buteau do not disclose *any* correspondence between a syntax pattern and a “SELECT” command provided to the text of the “query window,” contrary to the allegations on page 4 of the Action (“the ‘select’ command is the desired function”). Thus, the Action has not properly indicated that Buteau anticipates “a syntax pattern selector module for selecting, in an automated process, a syntax pattern corresponding to a desired function provided to the syntax pattern selector module” (emphasis added), as recited in claim 1.

Second, Buteau does not disclose “a syntax pattern selector module for selecting, in an automated process, . . . a syntax standard for use in generating the one or more query language statements” (emphasis added), as recited in claim 1. As discussed above, Buteau discloses that SQL defines the syntax for queries. Hence, the text of the “query window” is not selecting a syntax standard, contrary to the allegations on page 4 of the Action. Moreover, Buteau discloses that FIG. 9 illustrates a “a screen showing the results of a query.” (see Buteau, col. 3, ll. 52-53; emphasis added.) Hence, the text of the “query window” does not select a syntax standard for use in generating query language statements since FIG. 9 of Buteau displays results of a query. Moreover, Buteau does not disclose how the SQL commands depicted in FIG. 9 are generated and also does not disclose selecting a syntax standard for generating the SQL commands

depicted in FIG. 9. Thus, Buteau does not disclose "a syntax pattern selector module for selecting, in an automated process, . . . a syntax standard for use in generating the one or more query language statements" (emphasis added), as recited in claim 1. Therefore, claim 1 is believed to be allowable over Buteau and allowance thereof is respectfully requested.

Claims 2-3 and 8-9, which depend from claim 1, also are in condition for allowance due to their dependence on an allowable claim.

Independent claims 4-6, 10, 14, 16, 20, 21, 23, and 24 are believed to be in condition for allowance for reasons analogous to those given in support of claim 1. In addition, dependent claims 7, 11-13, 15, 17-19, and 22, which respectively depend from claims 6, 10, 16, and 21, also are in condition for allowance due to their dependence on an allowable claim.

Accordingly, all of claims 1-24 are allowable over Buteau and Applicants respectfully request that the next Action indicate as such.

III. Conclusion

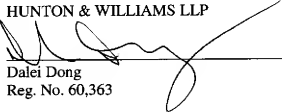
Based on the foregoing, reconsideration and allowance of all claims are respectfully requested. If any issues remain after consideration of this Amendment, Examiner Al Hashemi is respectfully requested to contact the undersigned by telephone so that these issues can be resolved by Examiner's Amendment or a Supplemental Response.

Applicants believe no fees are due with this submission. In the event any fees are due, please charge or credit any such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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By:


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Date: **August 15, 2008**

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